



د کانون وزارت  
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د افغانستان اسلامي جمهوریت  
جمهوری اسلامی افغانستان



**Islamic Republic of Afghanistan  
Ministry of Mines**

ریاست دفتر

February 18, 2012

Jon Stephenson and Ali Safi  
McClatchy/Tribune-MCT Information Services  
Washington, D.C.

Dear Mr. Stephenson and Mr. Ali:

As way of introduction, I am the Director General of Policy and Promotions of the Ministry of Mines of the Islamic Republic of Afghanistan. I am also the Chairman of the Hajigak Bid Evaluation Team. I read your article entitled “Firm Alleges Problems With Major Afghan Mining Contract” and would like to clarify several matters raised in it.

First, your article claims that “contracts for developing four sections of Hajigak were awarded in November.” This statement is not true. No contract has to this date been awarded. The award of any contract will occur only after the Cabinet ratifies the contracts of each preferred bidder. As negotiations continue with the two preferred bidders, it is irresponsible to write and publish as fact that the Government of Afghanistan has awarded the Hajigak contracts. In addition, it is the policy of the Ministry of Mines to protect the confidentiality of the bidding process. As required pursuant to the laws of Afghanistan, upon its conclusion, the Ministry of Mines will release complete details of the tender process.

Second, despite Mr. Shansab’s claims and what you wrote, the Ministry of Mines did respond to Mr. Shansab’s initial letters and accusations. In addition, His Excellency, Minister Shahrani twice met with Mr. Shansab to listen to his concerns. The Ministry decided not to respond to Mr. Shansab’s recent letters or accusations because a substantive response would require the Ministry of Mines to disclose confidential information provided by other companies that participated in the bidding process. Unlike Mr. Shansab, who has disclosed confidential and potentially illegally obtained information which he understood was in violation of the tender process, the Ministry of Mines has and will always abide by the laws of Afghanistan and the procedures set forth in any tender process.

Third, in response to your article and to clarify any confusion, neither the Minister nor Deputy Ministers of the Ministry of Mines participated or in any way influenced the bid evaluation process. On the contrary, the bids were evaluated by a 15-member Bid Evaluation Team composed of technical and financial experts from the Ministry of Mines, Ministry of Finance, Ministry of Commerce and Industry, Ministry of Economy, Ministry of Foreign Affairs, and the National Environmental Protection Agency. In addition, the Bid Evaluation Team was supported with transaction advisors from Gustavson Associates, an international mining consulting firm based in Denver, Colorado, as well as expert advisors funded by USAID and the World Bank.

The Bid Evaluation Team presented their findings to the Inter-Ministerial Committee (“IMC”) who reviewed and forwarded their recommendation to the Cabinet. The full Cabinet made the final decision to select AFISCO and Kilo Goldmines as the preferred bidders.

In your article, you quote a former deputy minister who stated, “if I was still deputy minister of mines, I would not have declared SAIL and Kilo as the winning bidders.” This statement makes no sense and wrongfully portrays the tender evaluation process as capable of being controlled by a single individual. No Deputy Minister or Minister has the authority to declare a winning bidder. No Deputy Minister or Minister has the authority to influence the evaluation process.

In addition to the above, it is important to note that Mr. Shansab repeatedly violated the laws of Afghanistan during the bid evaluation process by sending e-mails and otherwise attempting to contact and influence members of the Bid Evaluation Team. The Bid Evaluation Team warned Mr. Shansab on several occasions that his actions were illegal and interfered with the process. Mr. Shansab openly attempted to influence the process. His conduct during the evaluation process raised serious concerns about ACATCO. Once again, Mr. Shansab is seeking to influence a fair and transparent process and the Ministry of Mines and the Government of Afghanistan will not allow such conduct to affect its decisions.

Further, and most significantly, the entire bid evaluation process and subsequent contract negotiations have been monitored by the International Advisory Panel. The International Advisory Panel’s interim findings are that the evaluation process was fair and transparent and conducted according to international standards. The Ministry strongly recommends that you directly contact the chairman of the International Advisory Panel. With his authority, we will provide you with his contact information.

Finally, the Ministry of Mines of the Islamic Republic of Afghanistan expects that you will report fairly on all matters and especially on matters of great public interest such as the Hajigak Iron Ore Tender. Despite your claim of speaking to a “spokesman” for the Minister, the Minister and Ministry have not provided information prior to publishing the article. It is irresponsible for you to publish an article full of serious accusations without making every effort to interview at least one Ministry representative with authority to speak on the Ministry’s behalf. I would hope you would give the Ministry that opportunity and will publish the Ministry’s rebuttal to Mr. Shansab’s baseless allegations. If McClatchy/Tribune does not give the Ministry the opportunity to respond, the Ministry will consider taking further action.

A handwritten signature in black ink, appearing to read 'A. Jalil Jumriany', with a stylized, flowing script.

A. Jalil Jumriany  
Director General for Policy and Promotion  
Ministry of Mines